

REGULAR MEETING AGENDA

Wednesday, February 13, 2013 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. And in order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. However complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. And some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 54-2012

Opened on January 9, 2013 and continued to tonight, February 13, 2013 with verbal and written authorization of the applicant. The previously seated ZBA members for this

request are Vic Capellupo, Chuck Deluca, Steve Olvany, Ruth Anne Ramsey, John Ashburne, and Rich Wood. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than April 26, 2013 (up to 100 total days from its January 9 opening). The next scheduled regular ZBA meetings are March 13 and April 10, 2013.

The application of Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc. filed on November 14, 2012 for variances of Sections 923.4, 923.1, 928.8 and 923 of the Darien Zoning Regulations; to allow the installation of two wall signs and a blade sign; Section 923.4: two in lieu of one maximum wall sign; Section 923.1: two in lieu of one maximum wall type sign, 25 ¾" in lieu of 10" maximum side door sign wheel figure height, 13" in lieu of 36" minimum clearance from the building front sign to the ground, 22" in lieu of 12" maximum sign projection from the face of the building for the vertically mounted building front sign, and 28.0 in lieu of 0.0 square feet maximum sign area; Section 928.8: a sign to be located on the front of the building where none is permitted; and Section 923: installation of a vertically mounted building front sign style where none is permitted. The subject space is located in the northeast corner of the Goodwives Shopping Center building within the property situated on the east side of Old Kings Highway North at the southeast corner formed by the intersection of Old Kings Highway North and Sedgwick Avenue and found on Assessor's Map #71 as Lot #19, being 25 Old Kings Highway North and located in a DC (commercial) Zone.

CALENDAR NO. 56-201

Opened on January 16, 2013 and continued to tonight, February 13, 2013. The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Steve Olvany, Jeff Williams, and Rich Wood. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an extension allowing the ZBA to continue this hearing until no later than May 3, 2013 (up to 100 total days from its January 16 opening). The next scheduled regular ZBA meetings are March 13 and April 10, 2013.

The application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto filed on December 19, 2012 for an interpretation under Section 337 and variances of Sections 332 and 334 of the Darien Zoning Regulations, to allow the construction of two residences; Section 337: a determination as to the proper application of the Zoning Regulation requirements; Section 332: 0.0 in lieu of 50.0 feet minimum required lot frontage on a street; Section 334: construction on a portion of a lot with 97.0 in lieu of 100.0 feet minimum required lot depth. The property is situated at the end of a right of way on the north side of Raymond Street approximately 380 feet east of the intersection of Cliff Avenue and Raymond Street and is also situated at the end of Carolyn Court approximately 300 feet west of the intersection of Carolyn Court and Rowayton Avenue in

Norwalk and is shown on Assessor's Map #36 as Lots #107 and 108, being 000 Raymond Street and located in an R-1/5 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 62-2012

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Neil Foster and Janet D. Eick filed on January 16, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the raising of the existing house and the construction of additions with HVAC equipment; Section 406: 35.0 in lieu of 40.0 minimum required north rear yard setback for the house, and 34.3 in lieu of 40.0 feet minimum required north rear yard setback for the equipment. The property is situated at the northerly side of the cul-de-sac of Plymouth Road approximately 500 feet north of the intersection of Shipway Road and Plymouth Road and is shown on Assessor's Map #57 as Lot #38, being 35 Plymouth Road and located in the R-1 (residential) Zone.

CALENDAR NO. 63-2012

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Robert H Brocking and Joy L. Brocking and contract purchasers Loren M. Meyer and Paige Ridley filed on January 16, 2013 for variances of Section 666 of the Darien Zoning Regulations; to allow an addition with parking; Section 666c: 21.5 in lieu of 25.0 feet required side yard setback for the addition; and Section 666b: 23.0 in lieu of 65.0 feet required feet from the Cross Road street line for the parking. The property is situated on the northwest corner of the intersection formed by Cross Road and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #19, being 164 Old Kings Highway South and located in the SB (commercial) Zone.

CALENDAR NO. 1-2013

The application of Mark Ochman and Ochman Associates Inc. on behalf of Charles and Tara Ochman filed on January 15, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two story house with related equipment and a bilco door; Section 406: 19.2 in lieu of 35.0 feet minimum required south side yard setback and 26.4 in lieu of 35.0 feet minimum required north side yard setback for the house; and 23.0 in lieu of the 35.0 feet minimum required north side yard setback for the equipment. The property is situated on the east side of Mansfield Avenue approximately 335 feet north of the intersection of Mansfield Avenue and Tower Drive and is shown on Assessor's Map #1 as Lot #119, being 476 Mansfield Avenue and located in the R-2 (residential) Zone.

CALENDAR NO. 2-2013

The application of Andrew Kamensky filed on January 16, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow a previously constructed pergola and deck to remain; Section 406: 22.6 feet in lieu of 40.0 feet minimum required rear yard setback for the pergola, and 37.2 feet in lieu of 40.0 feet minimum required rear yard setback for the deck. The property is situated on the west side of Andrews Drive approximately 300 feet south of the northerly segment of Brushy Hill Road and is found on Assessor's Map #63 as Lot #45, being 55 Andrews Drive and located in the R-1 (residential) Zone.

CALENDAR NO. 3-2013

The application of Jacek Bigosinki and PB Architects on behalf of Renee Vasey filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 29.5 in lieu of 30.0 feet minimum required Patricia Lane front yard setback. The property is situated on the east side of Dubois Street at the southeast corner of the northernmost intersection of Patricia Lane and Dubois Street and is found on Assessor's Map #43 as Lot #84, being 32 Dubois Street and located in the R-1/3 (residential) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Update on status of Maplewood signs.
3. Approval of Minutes of meeting on January 9, 2013. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Steve Olvany, Ruth Anne Ramsey, John Ashburne, and Rich Wood.
4. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision

practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

5. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).